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Att'y Dkt. No.: UCAL09601P3
USSN: 09/782.757

I. REMARKS

Formal Matters

Claims 1-28 are pending after entry of the amendments set forth herein.

Claims 1-4 and 19-22 were examined and were rejected. Claims 5-18 and 23-28 were withdrawn from consideration.

Applicants respectfully request reconsideration of the application in view of the remarks made herein.

Rejection under 35 U.S.C. §102(a)

Claims 1-4 and 19-22 were rejected under 35 U.S.C. §102(a) as allegedly anticipated by WO 95/06470 ("Scolnick").

The Office Action stated: 1) a HMG-CoA reductase inhibitor, a statin such as lovastatin, simvastatin, pravastatin, and fluvastatin, being an agent that specifically reduces apolipoprotein E4, is useful in a composition to be administered or a pharmaceutical formulation; and 2) these statins are known to have molecular weights in a range within the instant claim. The Office Action concluded that Scolnick anticipates the claimed invention. Applicants respectfully traverse the rejection.

The instant claims recite compositions and pharmaceutical formulations comprising an agent that specifically reduces apolipoprotein E4 (apoE4) domain interaction by at least about 10%. As the Office Action noted, the statins discussed in Scolnick are HMG CoA reductase inhibitors. Scolnick neither discloses nor suggests an agent that reduces apoE4 domain interaction. Accordingly, Scolnick cannot anticipate the instant invention as claimed.

The Office Action stated that it is well settled that "intended use" of a composition or product, e.g., "specifically reduces apolipoprotein E4 domain interaction by at least about 10%" will not further limit claims drawn to a composition or product. However, the ability to reduce apoE4 domain interaction is a property of the recited agent, not an "intended use." The compounds discussed in Scolnick do not possess the property of reducing apoE4 domain interaction. Accordingly, Scolnick cannot anticipate the instant invention as claimed.

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Applicants submit that the rejection of claims 1-4 and 19-22 under 35 U.S.C. §102(a) has been adequately addressed in view of the remarks set forth above. The Examiner is thus respectfully requested to withdraw the rejection.

II. CONCLUSION

Applicants submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number UCAL096CIP3.

Respectfully submitted,
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Date: April 18, 2003

By: 

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